

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO TEXAS DIVISION**

JOSEPH OLINICK,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Case No. 6:11-cv-91
	§	
PORTFOLIO RECOVERY ASSOCIATES,	§	
LLC	§	
	§	
Defendant.	§	

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, JOSEPH OLINICK (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing at Waco, McLennan County, Texas.
7. Plaintiff is a consumer as that term is defined by 15 *U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by 15 *U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a limited liability company located in Norfolk Virginia.

FACTUAL ALLEGATIONS

10. Beginning in March of 2010, Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt for a credit card.
11. Defendant contacted Plaintiff from dozens of different numbers including: 914-513-0443; 800-772-1413; 205-588-8628; 859-918-0780; 205-588-8589; 510-355-1780; 626-209-2241; 847-994-2540; 404-592-5171; 954-678-4804; 954-678-3370; 412-282-1420; 205-588-8181; 954-622-9836; 847-994-2543; 914-513-2939; 914-513-0443; 914-513-0443; 800-772-1413; 877-803-0008; 757-961-3547; 866-940-7640; 205-423-4020; 620-662-8870; 731-215-8010; 731-984-7690; 757-864-0020; 757-961-3544; 620-662-1492; 757-961-3540; 731-904-7690; 757-961-3548; 847-678-9710; 800-383-8013; and 847-678-9723.
12. Defendant has called Plaintiff multiple times per day, often on a virtual daily basis.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

13. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt; and
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, JOSEPH OLINICK, respectfully requests judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, for the following:

14. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
15. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
16. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, JOSEPH OLINICK, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

Dated: April 15, 2011

By: /s/ Michael S. Agruss
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JOSEPH OLINICK

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, JOSEPH OLINICK, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, JOSEPH OLINICK, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

March 28, 2011
Date

Joseph Olinick
JOSEPH OLINICK